

## **REMARKS**

### **I. Introduction.**

Claims 1-3 and 5 are pending and stand rejected. A Notice of Allowance was previously issued for these claims. The issue fee was paid. The application was then withdrawn from issue by the Patent Office to permit reopening of prosecution. The Applicants then received a final rejection based on a new reference. Claim 1 was rejected under 35 U.S.C. Section 102(b). Claims 2, 3 and 5 were rejected under 35 U.S.C. Section 103(a). Claims 6 - 10 have been added.

Applicants' attorney inquired of the Examiner regarding the reason for the finality of the rejection, which was based on a reference Applicants never had an opportunity to address. Applicants thank the Examiner for his explanation. However, Applicants continue to believe that they should have had an opportunity to address this reference before receiving a final rejection, particularly since the last communication Applicants received from the Patent Office was a Notice of Allowance. The Applicants do not believe that their prior amendment could have necessitated the new ground of rejection since the prior amendment resulted in a Notice of Allowance. The Applicants respectfully request that the Examiner reconsider the finality of the rejection. The Applicants request that the Examiner withdraw the finality of the rejection, and the Patent Office refund the RCE fee transmitted herewith.

### **II. The 35 U.S.C. Section 102(b) Rejection.**

Claim 1 was rejected under 35 U.S.C. Section 102(b) as purportedly being anticipated by U.S. Patent 5,268,850 issued to Skoglund.

The Office Action states that the reference discloses an electrical outlet 34 including an outlet box and plug receptacle 32. The Office Action further states that the electrical outlet includes a back-up power supply 16 that is adjacent the outlet box (referring to Col. 6, lines 25-37) to supply current to the electrical contacts when electrical power to the electrical mains is interrupted.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Skoglund reference relates to an automatic power-failure and auxiliary generator control. The device disclosed in the Skoglund reference comprises three main components: (1) an auxiliary electrical generator (16); an automatic emergency control (20); and (3) two pairs of “controlled” electrical power sockets (32). Fig. 1 of the Skoglund reference also shows two pairs of power distribution sockets (10) and a powered electrical apparatus (for example, a lamp) (15) which has a male plug (13) connected thereto.

There are several differences between the claimed invention and the device disclosed in the Skoglund reference. The plug receptacle (32) referred to in the Office Action is not a conventional wall-mounted plug receptacle that is connected to a utility’s electric main. The plug (13) of the powered apparatus (15) (e.g., a lamp) is not plugged into the power distribution sockets (10), as it would be in the claimed invention, but instead is plugged into one of the controlled electrical power sockets (32). The only components of the Skoglund device that are plugged into the conventional electrical power socket (10) are the male power distribution plugs 38A and 38B of the automatic emergency control (20). The Skoglund reference, thus, does not provide a structure that would be used in the same manner as a conventional electrical power socket. In the Skoglund device, the “controlled” socket (32) is maintained “hot” in the event of a power outage, but the utility’s power distribution socket (10) is not. The claimed invention, in comparison, supplies current to the electrical contacts in the plug receptacle of the electrical outlet so that the utility’s power distribution socket is restored to a “hot” condition in the event of a power outage.

The reference in the Office Action to the electrical outlet including a back-up power supply 16 that is adjacent the outlet box (and to Col. 6, lines 25-37), is not a proper comparison to the claimed invention. This portion of the Skoglund reference refers to the relative locations of the housing (21) of the automatic emergency control (20) to either the generator (16) or the junction boxes (34A and 34B). The junction boxes (34A and 34B) are not the electric utility’s power distribution sockets. In each arrangement described in the cited passage, the Skoglund reference states that the conductor runs (37a and 37b running to the electric utility’s power distribution sockets (10)) would be between two and ten feet. Thus, the back-up power supply is not adjacent the outlet box as described in Claim 1.

The Skoglund reference does not teach or disclose every element of the claimed invention. The 35 U.S.C. Section 102(b) rejection of Claim 1 should, thus, be reconsidered and withdrawn.

### III. The 35 U.S.C. Section 103(a) Rejection.

Claims 2, 3 and 5 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,268,850 issued to Skoglund.

The Office Action states that the reference does not disclose the UPS located in the recess and/or behind a wall. The Office Action states that it would have been obvious to one having ordinary skill in the art to have located the UPS behind a recess and/or wall for a clean look.

Applicant respectfully requests that the Section 103 rejection be reconsidered and withdrawn for several reasons. As discussed above, the Skoglund reference does not teach or disclose any type of arrangement for providing electrical power to the contacts in the plug receptacle of the electrical outlet that is connected to a utility's electric main when the power to the same fails. The Skoglund reference, in fact, teaches away from such an arrangement. The Skoglund reference is directed to a device that allows the utility's power distribution socket to go "cold" in the case of a loss of power to the same, and compensates for this with a controlled socket into which the plug of a powered apparatus would be inserted, instead of into the utility's socket. The claimed invention, on the other hand, eliminates the need for Skoglund's second set of "controlled" electrical power sockets into which the plug of a powered apparatus is inserted.

Also, the only UPS that appears to be described in the Skoglund reference is of a type powered by a gasoline or other type of internal combustion engine. The Skoglund reference states that such a type of UPS must either be located outside of the house or structure or appropriately vented to the outside atmosphere. (Col. 2, lines 61-68) In addition to the need to vent the UPS, such an apparatus would typically be very noisy. It would not have been obvious to one having ordinary skill in the art to have located such a UPS behind a recess and/or wall for a clean look as suggested in the Office Action.

In addition, the Examiner has not pointed to any teaching or disclosure in the Skoglund reference of a back-up power supply that comprises a battery as described in Claim 3. Thus, the Skoglund reference would not render obvious the electrical outlet described in Claim 3.


Further, the Examiner has not pointed to any teaching or disclosure in the Skoglund reference of a back-up power supply that is located within an outlet box as described in Claim 5. It would clearly not be possible to locate a gasoline or other type of internal combustion engine in an outlet box. Thus, the Skoglund reference would not render obvious the electrical outlet described in Claim 5.

Therefore, the electrical outlets described in Claims 2, 3, and 5 would not have been obvious to one of ordinary skill in the art, and the rejection of these claims should be reconsidered and withdrawn.

#### IV. Summary.

The rejections have been addressed. In view of the foregoing, withdrawal of the rejections and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

By   
Jeffrey V. Bamber  
Attorney for Applicant(s)  
Registration No. 31,148  
(513) 474-8552

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**Customer No. 26868**